be construed to refer solely to needy girls. The money is to be paid over upon marriage when presumably the girl's need for financial aid is greatest. A bequest "to the widows and orphans of Linfield" has been held charitable as a relief of poverty. *Atty.-Gen'l* v. *Comber*, 2 Sm. & St. 93. See also *Powell* v. *Atty.-Genl*, 3 Mer. 48; *Thompson* v. *Corby*, 27 Beav. 649. Likewise one for "deserving literary men who have not been very successful." *Thompson* v. *Thompson*, 1 Coll. 395. Yet all those bequests were in terms equally applicable to poor or rich. But compare *In re Sutton*, 28 Ch. D. 464; *Nichols* v. *Allen*, 130 Mass. 211.

CONSTITUTIONAL LAW — EQUAL PROTECTION OF THE LAWS — RIGHT OF WOMEN TO SAME CRIMINAL PENALTIES AS ARE IMPOSED ON MEN. — The defendant woman was convicted of keeping a liquor nuisance and committed to the state farm for women for an indeterminate period with a six months' maximum under a state statute. A man convicted of the same offense would have received a definite sentence with a six months' maximum. Defendant appeals from the penalty on the ground that the statute differentiating women violated the Fourteenth Amendment, guaranteeing equal protection of the laws. *Held*, that the statute is constitutional. *State* v. *Heitman*, 181 Pac. 630. (Kan.).

For a discussion of this case, see NOTES, p. 449.

CONSTITUTIONAL LAW — WORKMEN'S COMPENSATION ACTS — LIABILITY WITHOUT FAULT — FACIAL DISFIGUREMENT. — The plaintiff sustained, in the course of a hazardous employment, accidental injuries which resulted in serious facial disfigurement. He sued his employer under a New York statute providing for compensation by the employer for such disfigurement. (WORKMEN'S COMPENSATION LAW, § 15, subd. 13.) *Held*, that the plaintiff may recover. *New York Central R. R. Co.* v. *Bianc*, U. S. Sup. Ct., October Term, 1919, No. 374.

It is now well settled that employers may be stripped, by legislation, of common-law defenses, such as contributory negligence or assumption of risk, in suits by employees for injuries arising in the course of employment. *New York Central R. R. Co.* v. *White*, 243 U. S. 188; *Mountain Timber Co.* v. *Washington*, 243 U. S. 219. Furthermore, the employer may be made liable for accidental injuries in a hazardous industry, though morally not culpable. *Arizona Employers' Liability Cases*, 250 U. S. 400. See 33 HARV. L. REV. 86. Such changes of the common law are not arbitrary, since they merely shift the burden of human wastage to the industry which is responsible for it. See Eugene Wambaugh, "Workmen's Compensation Acts," 25 HARV. L. REV. 129. The amount of compensation may be determined with or without a jury, by prescribed scale or by jury estimate of actual loss. *New York Central R. R. Co.* v. *White*, *supra*; *Arizona Employers' Liability Cases*, *supra*. Usually the legislation takes as the basis for compensation the impairment of earning power. Disfigurement, especially of face, may well cause a loss of earning power, irrespective of its effect upon the mere capacity for work. *Ball* v. *Hunt & Sons, Ltd.*, [1912] A. C. 496. But even though a statute allows compensation for pain and disfigurement, in addition to that for loss of earning power, it is not unreasonable. *Arizona Employers' Liability Cases*, *supra*. Even at common law, where pain and suffering accompany physical injury from without, they may be considered as an element of damages. *U. S. Express Co.* v. *Wahl*, 168 Fed. 848; *Coombs* v. *King*, 107 Me. 376, 78 Atl. 468; *Patterson* v. *Blatti*, 133 Minn. 23, 157 N. W. 717. Accordingly, the principal case seems clearly correct in upholding the reasonableness of a statute allowing compensation for disfigurement alone, where caused by a hazard of the industry.

CORPORATIONS — DIRECTORS AND OTHER OFFICERS — LIABILITY OF PRESIDENT TO CORPORATION FOR SECRET PROFITS. — The defendant, the president of a corporation, in consideration of a bonus, secretly agreed with A to release

certain territorial rights of the corporation to A, and to procure and transfer to him a majority of the stock of the corporation. The defendant forced the release of the right and acquired and transferred all of the stock except a small block held by the plaintiff, who now brings a bill in equity to compel the defendant to account to the corporation for the bonus. *Held*, that the defendant must disgorge. *Keeley et al.* v. *Black et al.*, 107 Atl. 825 (N. J. Eq.).

When an officer of a corporation uses the corporate machinery for his own secret advantage, he may be compelled to account to the corporation for any profit he derives from the transaction, since there is a fiduciary relation between him and the corporation. *McClure* v. *Law*, 161 N. Y. 78, 55 N. E. 388; *Goodbody* v. *Delaney*, 82 N. J. Eq. 140, 91 Atl. 724. The principal case gives a moment's pause, however, since it is clear that when the officer accounts to the corporation this will enure largely to the benefit of A, who does not seem particularly deserving. If no one of the old stockholders remained, so that accounting to the corporation would benefit only undeserving persons, equity would look beyond the corporate form to see who were the ultimate beneficiaries, and would refuse relief. *Home Fire Insurance Co.* v. *Barber*, 67 Neb. 644, 93 N. W. 1024. But equity will not fail to do justice to an innocent petitioner merely because there is an incidental benefit to one wrongdoer at the expense of another. See *New Sombrero Phosphate Co.* v. *Erlanger*, L. R. 5 Ch. D. 73, 114. See also 1 MORAWETZ, PRIVATE CORPORATIONS, 2 ed., § 294. This is the situation in the principal case. The *dictum* that the defendant might also be liable to the former stockholders who had parted with their shares, in an action of deceit, seems correct if there was actual misrepresentation. But New Jersey does not recognize any duty on the part of an officer to make a full disclosure when buying stock from a stockholder. *Crowell* v. *Jackson*, 53 N. J. L. 656, 23 Atl. 426. See 4 FLETCHER, CYCLOPÆDIA OF CORPORATIONS, § 2564.

CRIMINAL LAW — STATUTORY OFFENCES — VIOLATION OF ESPIONAGE ACT OF 1918 — WHAT CONSTITUTES SPECIFIC INTENT. — The defendants were convicted for publishing two leaflets in violation of the Espionage Act, as amended in 1918. The leaflets appealed to Russian workers in America to rise and prevent the intervention of America against the Revolutionary government in Russia. Workers in munition factories were urged to cease production; and a general strike was advocated. The statute required an "intent to hinder the United States in the prosecution of the war." The defendants claimed that the leaflets showed only an intent to stop American interference in Russia, and that therefore the evidence was insufficient to support the verdict. *Held*, that the conviction be affirmed. *Abrams* v. *United States*, U. S. Sup. Ct., October Term, 1919, No. 316.

For a discussion of the principles involved in this case, see NOTES, p. 442, *supra*.

DAMAGES — MEASURE OF DAMAGES — CONVERSION OF STOCK. — The defendant stock-broker was held to have converted the stock of the plaintiff's intestate by a wrongful sale. (*In re Berberich's Estate*, 257 Pa. 181, 101 Atl. 461.) A second adjudication for the purpose of determining the amount of damages to be paid by the defendant was required. *Held*, that the damages should be the highest market price of the stock between the conversion and the trial. *In re Berberich's Estate*, 107 Atl. 813 (Pa.).

Generally in an action for conversion the measure of recovery is the value of the property at the time of the conversion, with legal interest from that time. *Hunt* v. *Boston*, 183 Mass. 303, 67 N. E. 244; *Hayden* v. *Bartlett*, 35 Me. 203. See 2 SEDGWICK, DAMAGES, 9 ed., § 943. Some courts apply the same rule of damages to a conversion of marketable securities. *Continental Mining Co.*